

REMARKS

Favorable consideration and allowance of the present application is respectfully requested.

Currently, claims 21-35, including independent claims 21, 29, and 35, are pending in the present application. Independent claim 21, for instance, is directed to a fibrous web for use in a medical package. The fibrous web is saturated with a composition comprising a blend of a latex polymer having a glass transition temperature of about 10°C or less and a heat-sealable polymer. The heat-sealable polymer comprises a homopolymer or heteropolymer of a lower alkene. The resulting fibrous web has a Gurley stiffness of less than about 165 milligrams in the machine direction and a seal strength of at least about 0.70 pound per inch when sealed to a base component of the medical package.

In the Office Action, original claims 11-13 were initially rejected under 35 U.S.C. §112, first and second paragraphs, for failing to comply with the enablement requirement and for being indefinite. Without commenting on the propriety of this rejection, Applicants simply note that new claims 21-35 are believed to fully satisfy the requirements of §112. For instance, independent claim 21 utilizes a blend of a latex polymer and a heat-sealable polymer, i.e., a homopolymer or heteropolymer of a lower alkene, to achieve a fibrous web having the desired combination of drapability and seal strength.

Further, in the Office Action, original claims 11-13 were also rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Nos. 3,567,502 to Graham, et al.; 3,632,424 to Graham, et al.; 3,714,298 to Bergomi, Jr.; 3,755,219 to Bergomi, Jr., et al.;

5,466,517 to Isaac, et al.; 5,580,910 to Isaac, et al.; 5,508,100 to Wierer, et al.;
5,595,828 to Weber, et al.; 4,109,043 to DeLapp; 4,112,169 to Huffman, et al.;
4,128,696 to Goebel, et al.; 4,600,404 to Sheldon, et al.; 4,837,070 to Weber, et al.;
4,849,278 to Stokes; 5,063,104 to Robertson, et al.; or WO 99/00549 to Kapik, et al.

However, Applicants respectfully submit that new independent claims 21, 29, and 35 patentably define over each of the above-cited sixteen (16) references. As an example, U.S. Patent No. 4,848,278 to Stokes describes a paper-based web that is saturated with a soft, stretchy polymer saturant having a T_g in the range of -45°C to 0°C . (Col. 1, ll. 38-57). Examples of these polymers include acrylics, such as Hycar® 26104 and 26083. When used for label applications, the paper web may have applied on its surface a print receptive coating that includes, for example, a binder. In Examples 2-4, the machine direction Gurley Stiffness is within the range of 16.3 to 79.9 milligrams.

Stokes, however, fails to disclose various limitations of the present claims. For instance, Stokes fails to disclose a seal strength of at least about 0.70 pound per inch when the saturated web is sealed to a base component of a medical package. In the Office Action, it was indicated that "any characteristics of the compositions employed in such capacities would be inherent in those compositions." Presumably, this is an attempt to allege that the claimed properties of the saturated fibrous web are inherent in the cited references. Nevertheless, to establish inherency, the evidence must make clear that the missing descriptive matter is necessarily present in the reference, and that it would be so recognized by persons of ordinary skill in the art. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. Thus, an inherency rejection may

not be based on what would result due to the optimization of conditions, but only on what was necessarily present in the prior art.

In the instance case, a variety of factors may be altered to influence the characteristics of the saturated web, e.g., seal strength, such as the types of saturant polymers utilized, the weight ratio of the saturant polymers, the percent add-on, and so forth. Thus, to obtain the claimed properties of the saturated paper-based web in Stokes, for instance, one of ordinary skill would have to select from various possible conditions and parameters. Consequently, Applicants respectfully submit that the claimed properties do not necessarily flow from the teachings of Stokes.

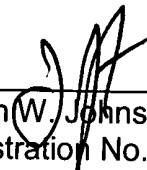
Similar to Stokes, none of the other fifteen (15) cited references disclose or suggest each and every feature of new independent claims 21, 29, and 35. In fact, many of the references bear no relation to the claimed saturated fibrous web for use in a medical package. For instance, U.S. Patent No. 5,508,100 to Wierer, et al. relates to the lamination of tissue fabrics to produce tablecloths or paper serviettes.

Thus, for at least the reasons set forth above, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Nutter is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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